

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL HORACEK,

No. 07-11885

Plaintiff,

District Judge Arthur J. Tarnow

v.

Magistrate Judge R. Steven Whalen

DAVID J. BURNETT,

Defendant.

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**REPORT AND RECOMMENDATION**

Before the Court is Plaintiff's Motion for Preliminary Injunction [Docket #6], which has been referred for a Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B).

In his motion, Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections (MDOC), requests that he immediately be provided with kosher meals, and that he continue in the MDOC's kosher meal program during the pendency of this action.

By affidavit, Defendant states that on September 7, 2007, Plaintiff was, on reconsideration, approved for the kosher meal program. *See* Docket #20, Exhibit A (affidavit of David J. Burnett, Special Activities Coordinator at the MDOC).

Therefore, I recommend that the Motion for Preliminary Injunction [Docket #6] be DENIED AS MOOT.

Any objections to this Report and Recommendation must be filed within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR

72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v Secretary of HHS*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); *United States v Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v Secretary of HHS*, 931 F.2d 390, 401 (6<sup>th</sup> Cir. 1991); *Smith v Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6<sup>th</sup> Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: January 16, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 16, 2008.

S/Gina Wilson  
Judicial Assistant